

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-20190 - APPLICANT: URBAN LOFTS XIV,LTD, -
OWNER: CITY OF LAS VEGAS

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (3-3 tie vote on a motion for denial) NO RECOMMENDATION.

Planning and Development

1. Conformance to the conditions for General Plan (GPA-20188), Rezoning (ZON-20192), Variance (VAR-20193), Site Development Plan Review (SDR-20187), and Waiver (WVR-20191) if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

Public Works

3. In lieu of compliance with the open space requirements of Municipal Code 19.06.040, the developer will be allowed to make a contribution to the City of Las Vegas Parks CIP Fund in the amount of \$152,760 to be utilized by the City Council for improvements to existing public parks nearby. This contribution must be made to Land Development prior to approval of a Final Map, otherwise the developer is still required to comply with the Open Space requirement in accordance with Title 19 of the Las Vegas Municipal Code.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow 2,059 square feet of open space where 40,249 square feet is required for a proposed 56-unit single-family attached residential subdivision on 3.98 acres located at the northwest corner of Stewart Avenue and Mojave Road. This is a 95 percent deviation from standards. The request for Variance to deviate from the required open space is a self-imposed hardship and positive finding cannot be made for a recommendation for approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/04/04	The City Council approved a request to Amend (GPA-4523) a portion of the Southeast Sector Plan of the Master Plan from SC (Service Commercial) to PF (Public Facilities), a Rezoning (ZON-4524) from C-1 (Limited Commercial) Zone to C-V (Civic) Zone and a Site Development Plan Review (SDR-4525) for a proposed government facility (East Las Vegas Business Incubator), on 3.59 acres adjacent to the northwest corner of Mojave Road and Stewart Avenue Action. Planning Commission and staff recommends approval.
04/12/07	<p>The Planning Commission recommended approval of companion items ZON-20192; VAR-20193 and WVR-20191. The Planning Commission had no recommendation of companion item SDR-20187. The Planning Commission voted 4-2/ld/sd which failed to obtain a super majority vote which is tantamount to DENIAL of companion item GPA-20188 concurrently with this application.</p> <p>The Planning Commission voted 3-3 on a motion for denial NO RECOMMENDATION (PC Agenda Item #54/jm).</p>
<i>Related Building Permits/Business Licenses</i>	
10/04/05	Code Enforcement (#35102) cited the property for weeds and debris. The case was closed on 10/06/05.
<i>Pre-Application Meeting</i>	
02/14/07	A pre-application meeting was held with regard to the proposed project. Issues related to the General Plan, Rezoning, Site Development Plan, Waiver and Variances were discussed. General process, code requirements and application submittal requirements were explained to the applicant.
<i>Neighborhood Meeting</i>	
03/14/07	A neighborhood meeting was held at 5:30pm at the East Las Vegas Community Senior Center, 250 N. Eastern Ave. No neighbors attended.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	3.98

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	PF (Public Facilities)	C-1 (Limited Commercial) under a Resolution of Intent to C-V (Civic) Zone to R-PD15 (Residential Planned Development - 15 units per acre)
North	I-515	I-515	I-515
South	Community Recreational Center	PF (Public Facilities)	C-1 (Service Commercial)
East	Multi-Family	PF (Public Facilities)	R-3 (Medium Density Residential)
West	Correctional Facility	M (Medium Density Residential)	C-V (Civic)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		Y
Redevelopment Plan Area	X		Y
Special Purpose and Overlay Districts		X	Y
Trails		X	Y
Rural Preservation Overlay District		X	Y
Development Impact Notification Assessment		X	Y
Project of Regional Significance		X	Y

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

<i>Standard</i>	<i>Provided</i>
Min. Lot Size	1,206 SF
Min. Lot Width	20 Feet
Min. Setbacks	
• Front	3.75 Feet
• Side	0 – 17.31 Feet
• Rear	3.42 – 16.80 Feet
Max. Building Heights	3 stories, 38.5 feet

Existing Zoning	Permitted Density	Units Allowed
C-1	NA	NA
Proposed Zoning	Permitted Density	Units Allowed
R-PD15	14.07 Units per Acre	59
Proposed General Plan	Permitted Density	Units Allowed
M (Medium Density Residential)	25.49 Units per Acre	97

Pursuant to Title 19.12, the following Landscape Standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Buffer: Min. Trees	1 Tree/30 Linear Feet	31 Trees	31 Trees	Y
Min. Zone Width	6 Feet		6 Feet	Y
Wall Height	8 Feet		Height not shown	NA

<i>Open Space – R-PD only</i>							
<i>Total Acreage</i>	<i>Density</i>	<i>Required</i>			<i>Provided</i>		<i>Compliance</i>
		<i>Ratio</i>	<i>Percent</i>	<i>Area</i>	<i>Percent</i>	<i>Area</i>	
3.98	14.1 du/acre	1.65	23%	40,249	1.1%	2,059	N*

**A Variance (VAR-20190) has been requested.*

Pursuant to Title 19.10, the following parking standards apply:

<i>Parking Requirement</i>
The project is required to provide a minimum of two parking spaces per dwelling unit. In addition, the project is required to provide one guest space for every six dwelling units. The proposed project is a 56 unit development which would require 10 guest spaces, the site has 11 guest spaces. Each unit is proposed to have a minimum of a two car garage. This meets Title 19.10 parking requirements.

ANALYSIS

The proposed residential planned development is requesting that 2,059 square feet of open space be permitted where 40,259 square feet is the minimum required, which is a 95 percent deviation from standards. The open space that has been provided within the 56-lot single-family attached units is located within one interior landscape area. No common open space recreation facility has been provided within the subject property.

However, Rafael Rivera Park is south of the proposed residential project across Stewart Avenue. The minimum site lot size for the proposed development is 1,206 square feet. For the applicant to meet the open space standards for an R-PD (Residential Planned Development) the site would result in a loss of approximately 33 units.

Staff recommends denial of the requested Variance to allow the reduction of open space requirements because it is a self-imposed hardship.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship. Alternative design with less number of units or subterranean parking would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

9

ASSEMBLY DISTRICT 11

SENATE DISTRICT 10

NOTICES MAILED 88 by City Clerk

APPROVALS 0

PROTESTS 0